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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,669	08/03/2001	Nicolaas Cornelius Van Zyl	1918-010967	6713

7590 12/01/2003

Russell D Orkin
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

EXAMINER

SEMUNEGUS, LULIT

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/890,669

Applicant(s)

VAN ZYL, NICOLAAS CORNELIUS

Examiner

Lulit Semunegus

Art Unit

3641

-- Th MAILING DATE of this communication app ars on the cover sheet with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 46 is/are allowed.
- 6) ☒ Claim(s) 24-28 and 42-45 is/are rejected.
- 7) ☐ Claim(s) 29-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 24-46 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'dwyer (6,477,801) in view of Black (4,835,621).

In regards to claim 24, O'dwyer teaches a firearm (10) with a safety means for impeding an unauthorized person to fire the firearm (18). Black teaches an information storage means (10) for recording at least one aspect of the group consisting of an image in the direction in which a shot is in use fired, and inherently storing a sound at about the time when a shot is in use fired (col. 1, lines 53-55). At the time of the invention, it would have been obvious to one ordinarily skilled in the art to mount the information storage means (video camera) of Black into the firearm of O'dwyer to record and monitor the shooting action while O'dwyer's teaching shows safety means.

As to claim 25, Black teaches the information storage means (10) storing a unique code relating to each projectile fired (col. 7, lines 43-67).

Art Unit: 3641

4. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'dwyer (6,477,801) and Black (4,835,621) in view of Eppler (5,062,232). O'dwyer and Black teach all the limitations of claims 26-27 the firearm including a laser system.

As to claim 26, Eppler teaches the firearm includes a laser system for generating a laser beam to ignite a charge to fire a projectile (col. 3, lines 29-35).

As to claim 27, Eppler teaches the firearm includes an electronic system for controlling firing of the firearm (20).

At the time of the invention, it would have been obvious to one ordinary skilled in the art to combine the laser beam of Eppler to O'dwyer and Black invention to accurately aim the projectile.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'dwyer (6,477,801) and Black (4,835,621) in view of WO-A-98 55 817 hereafter referred to as D1. O'dwyer and Black teach all the limitations of claim 28 the firearm except a plurality of barrels. D1 teaches the firearm includes a number of barrels (14,15) and wherein the barrels are pre-loaded with projectiles and charges.

At the time of the invention, it would have been obvious to one ordinary skilled in the art to have plurality of barrels as taught in D1 as a design choice since D1 teaches it is well known in the art to have multiple numbers of barrels.

6. Claim 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'dwyer (6,477,801) and Black (4,835,621) in view of Hope (6,539,661).

Art Unit: 3641

O'dwyer and Black teach all the limitations of claims 42-45 including a GPS (O'dwyer, col. 2, lines 36-46). Black and O'dwyer does not expressly teach a digital camera. Hope teaches a digital camera for recording images (col. 4, lines 15-16).

At the time of the invention, it would have been obvious to use Digital camera instead of the video cammer as taught by Hope since it is well known in the art that digital camera will function equally well. The motivation of using digital camera would be instant views of the image.

Allowable Subject Matter

7. Claims 29-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claim 46 is allowed.

Conclusion

9. All inquiry concerning this communication or earlier communications from the examiner should be directed to Lulit Semunegus whose telephone number is (703) 306-5960. The examiner can normally be reached on Mon-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Art Unit: 3641

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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2003-11-17

Lulit Semunegus
Examiner
Art Unit 3641



MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER